

## **POLICY: INDIVIDUALS' PERSONAL INFORMATION: PROVIDER'S OFFICE**

**POLICY STATEMENT:** It is the policy of the Bureau of Developmental Disabilities Services (BDDS) that the Provider specified in the Individual's Individualized Support Plan (ISP) as being responsible for maintaining the Individual's personal information shall maintain personal information for the Individual at the Provider's office.

### **DETAILED POLICY STATEMENT**

1. A Provider specified in the Individual's ISP as being responsible for maintaining the Individual's personal information shall maintain the Individual's personal information at the Provider's office.
2. This information can be in electronic format only if:
  - a. use of any electronic format or system:
    - i. is described in detail in a written policy by the Provider, and
    - ii. includes verification that the format or system includes security features that ensure compliance with HIPAA and all other Federal and State privacy statutes;
  - b. all entries of all types into the electronic format or system are:
    - i. permanent; and
    - ii. identifiable as to:
      1. the person making the entry;
      2. the date the entry is made; and
      3. the time the entry was made;
  - c. the electronic format or system will not allow for changes to any entry;
  - d. the electronic format or system will allow for an addendum to any entry that identifies:
    - i. the person making the addendum;
    - ii. the date the addendum is made; and
    - iii. the time the addendum is made;
  - e. information contained in the electronic format or system is available for review at the time a verbal or written request is made by DDRS or OMPP, including:
    - i. content; and
    - ii. identification of:
      1. the person entering any content;
      2. the date any content is entered; and
      3. the time any content is entered;
3. If using an electronic format or system to store an Individual's personal information, the Provider shall upon request from DDRS or OMPP, provide evidence substantiating the electronic format or system's compliance with this policy.
4. All electronic signatures shall comply with the following acts and rule:
  - a. The Digital Signatures Act, IC 5-24;
  - b. The Uniform Electronic Transactions Act, IC 26-2-8;

- c. The State Board of Accounts rule, 20 IAC 3.
- 5. With the exception of the prior or previous two months' of documentation that is maintained at the site of service delivery as described in the "Individuals' Personal Information: Site of Service Delivery" policy, the Individual's personal information shall include at minimum:
  - a. The Individual's current ISP.
  - b. A photograph of the Individual.
  - c. Telephone numbers for emergency services that may be required by the Individual to include at minimum:
    - i. The local emergency number, for example, 911.
    - ii. The Individual's Legal representative, if applicable.
    - iii. The Individual's guardian, if applicable.
    - iv. The local BDDS office.
    - v. The Individual's Case Manager.
    - vi. Adult Protective Services or Child Protection Services as applicable.
    - vii. The developmental disabilities waiver ombudsman.
    - viii. Other service Providers as identified by the IST and documented in the Individual's ISP.
    - ix. Any other telephone number identified for inclusion by the Individual or the Individual's Legal representative.
  - d. Consent by the Individual or the Individual's Legal representative for emergency treatment for the Individual.
  - e. Current guardianship papers, if applicable.
  - f. Systems outlined in 460 IAC 6-4.19.4, as indicated for the Individual.
  - g. The Individual's history of allergies, if applicable.
  - h. Copies of all medical, dental and vision services summary documentation:
    - i. All risk plans and risk plan documentation.
    - j. All medication administration recording forms.
  - k. Documentation of:
    - i. changes in the Individual's physical condition or mental status;
    - ii. an unusual event such as vomiting, choking, falling, disorientation or confusion, behavioral problems, or seizures; and
    - iii. the response of each Provider to the observed change or unusual event.
  - l. A copy of the Individual's Behavioral Support Plan, if applicable.
  - m. All Behavioral Support Services documentation.
  - n. If an Individual's outcomes include bill paying and other financial matters, bank statements with clear documentation that the bank statements and the Individual's checkbook has been reconciled.
  - o. All ISP outcome directed documentation.
  - p. A listing of all adaptive equipment used by the Individual that includes contact information for the person or Entity responsible for replacement or repair of each piece of adaptive equipment.
  - q. All environmental assessments conducted, with the signature of the person or persons conducting the assessment on the assessment.

6. Personal information as described in this section shall be maintained by the Provider in a manner that allows for review at the time a verbal or written request is made by FSSA, DDRS, OMPP or their agents or contractors.

## DEFINITIONS

"BDDS" means bureau of developmental disabilities services as created under IC 12-11-1.1-1.

"Case Manager" means a person employed to provide Case Management services by DDRS or the DDRS approved Case Management vendor.

"Developmental disabilities waiver ombudsman"

"DDRS" means the division of disability and rehabilitative services as established by IC 12-9-1-1.

"FSSA" means Indiana Family and Social Services Administration, established per IC 12-8-1-1, which works with Indiana's families, children, senior citizens, people with disabilities and people with mental illness, providing services to promote self-sufficiency, independence, health and safety.

"HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, enacted by the 104th congress of the United States of America.

"Individualized Support Plan" or "ISP" means a plan that establishes supports and strategies, based upon the Person centered planning process, intended to accomplish the Individual's long term and short term outcomes by accommodating the financial and human resources offered to the Individual through paid Provider services, volunteer services, or both, as designed and agreed upon by the Individualized Support Team.

"Individualized Support Team" means a team of persons, including:

1. an Individual;
2. the Individual's Legal representative, if applicable;
3. the Individual's Providers;
4. the Individual's Case Manager, if indicated;
5. a BDDS representative; and
6. other persons identified by the Individual or the Individual's Legal representative, if applicable,

who assist the Individual in the development and implementation of the Individual's ISP.

"OMPP" means the Office of Medicaid Policy and Planning as established by IC 12-8-6-1.

## REFERENCES

IC 12-8-8-4

IC 12-9-2-3

IC 12-11-1.1-1

Approved by: Julia Holloway, DDRS Director